

TESTIMONY OF

PHYLLIS COVEN

DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS IMMIGRATION AND
NATURALIZATION SERVICE

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

CONCERNING

INTERNATIONAL LAW ENFORCEMENT IN HONG KONG

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Mr. Chairman and members of the Committee, I am pleased to be here to address you concerning the role of United States Immigration and Naturalization Service overseas, and in particular its presence in Hong Kong.

The Immigration and Naturalization Service (INS) has been present in Hong Kong since 1957 when we established and placed there the agency's District Office for Asia. Its purpose then and for over two decades was to assist American citizens, process immigrant visa petitions [most notably those for orphans], verify employment credentials or family relationships for immigrants and process political refugees.

In 1984, the INS Hong Kong District Office was converted to a suboffice and the district office relocated to Bangkok where the heaviest refugee workload had developed. INS Hong Kong has continued its adjudications work, but has recently focused more attention on the growing concerns of migrant smuggling and other immigration related crime.

Functions of INS Hong Kong Suboffice

At the present time, the INS Hong Kong Office has a staff of three INS officers and six Foreign Service Nationals (FSNs). Much of the work of the office is performed by foreign national employees who have worked for the U.S. many years. The FSN work includes verifying immigrant visa classification entitlement, conducting criminal records searches, interrogations and interviews, and other duties required to maintain the integrity of the legal immigration system and to support the professional law enforcement mission. Some of our long term FSN employees have

acquired lawful permanent residence status in the United States and have or will be leaving INS employment following reversion.

The INS Hong Kong suboffice currently performs the following core overseas mission activities:

Fraudulent document training and airport screening.

As part of the INS worldwide carrier consultant program to deter use of fraudulent documents and prevent illegal immigration, INS officers in Hong Kong provide expert training in fraudulent document detection to foreign law enforcement and airport officials and employees of international air carriers. Officers permanently stationed in Hong Kong regularly provide on-site assistance to officials doing airport screening at airports in Hong Kong and Macao. Officers also travel within the assigned region which includes the People's Republic of China (PRC) and Taiwan to deliver training and, by doing so establish partnerships with host countries in the fight against smuggling. During Fiscal Year 1996, INS Hong Kong trained over 100 foreign government officials and carrier employees in Hong Kong, the PRC, Taiwan and Macao which enabled foreign officials and carrier representatives to interdict air passengers seeking to use fraudulent passports or visas.

Investigation of migrant traffickers.

INS officers, working with other U.S. agencies and host governments, develop information and evidence to support prosecutions of organized migrant traffickers by

INS offices in the United States in conjunction with U.S. Attorneys. These officers also support local foreign enforcement agencies in identifying, arresting, and prosecuting alien smugglers and fraudulent document producers within foreign jurisdictions. Local support for host country investigations of smugglers is often the critical difference in whether or not smugglers and fraudulent document manufacturers face prosecution. A recent example of inter-governmental cooperation resulted in the simultaneous arrest of smugglers of PRC nationals in Hong Kong, Canada and the United States on November 5, 1996. The smuggling syndicate in question is suspected of having brought 30 to 40 Chinese migrants to North America each month for the past three years.

Liaison, Information Sharing and Strategy Development on Migrant Trafficking.

INS enforcement personnel work with their counterparts in foreign countries in acquiring information for U.S. law enforcement authorities on migrant traffickers and developing joint strategies for combating this global problem. They advise foreign officials on how to structure and develop more professional immigration programs and encourage them to adopt anti-smuggling policies and legislation.

The INS Hong Kong suboffice has been acting to monitor and deter the illegal movement of Chinese migrants coming primarily from the provinces of Guangdong and Fujian. As an extension to our cooperation with Hong Kong authorities on alien smuggling, INS officers have met authorities of the Fujian People's Armed Police Border Protection Division and the Entry-Exit Administration to share information of mutual interest on means to actively combat alien smuggling operations. In 1995, Fujian authorities reported that they disrupted 52 smuggling operations involving 840

migrants, resulting in prosecution against 42 ring leaders. Fujian also reports that it has increased coastal patrols and made prosecution of smugglers a priority.

Adjudication of Relative Petitions and Waivers.

INS officers conduct interviews and research necessary to process immigrant visa petitions filed by U.S. citizens and by other eligible petitioners who reside abroad. They also are responsible for the investigation of suspected fraudulent petitions to ensure the bonafides and/or qualifications of the beneficiaries and, thus, protect the integrity of the legal immigration system. Officers also conduct research on foreign family law, adoption practices, employment licensing, and other information which domestic INS offices use to process petitions and applications for permanent residence in the United States.

Interview of Refugees.

In the recent past, our Hong Kong suboffice has been involved in processing many refugee resettlement applicants, particularly Vietnamese nationals. Every refugee who is processed for resettlement in the United States has been interviewed by an INS officer. In 1996, INS interviewed and authorized the admission of more than 76,000 refugees world wide. Although some of the long-standing United States refugee programs are nearing an end in Southeast Asia, new and factually complex programs and circumstances have emerged. The continuation of a well-trained INS staff overseas is necessary to ensure fair and consistent refugee determinations to maintain the integrity of U.S. humanitarian efforts This is important in Asia as it is

world wide.

Facilitating the Return of Aliens Being Removed from the United States.

Although always present as an ancillary function overseas, facilitating removals is a developing core activity due to the INS priority to remove aggravated felons, other criminals, and serious immigration violators from the United States. INS officers overseas help secure travel documents, notify and obtain the cooperation of host government police officials concerning the arrival of removed aliens from the United States, ensure that dangerous felons are turned over directly to appropriate authorities, arrange for the entry of escorts and detainees and facilitate their transit through international air transit hubs and perform other duties to secure cooperation of foreign governments. INS also works with other law enforcement personnel to facilitate the movement of defendants and witnesses to and from the United States.

Impact of Reversion

The reversion of Hong Kong sovereignty to China poses new opportunities for INS and its overseas mission. We anticipate no change in the excellent coordination and cooperation that we receive from the Hong Kong authorities. Because the INS in Hong Kong has already had some experience in working with PRC operational level officials, we fully expect to expand cooperative relationships with our PRC counterparts in migration control and law enforcement. Since 1992, the INS Hong Kong suboffice has provided fraudulent document recognition training to over 500 Chinese Public Security, Exit-Entry Administration and Frontier Defense Department

Officials within China. We have also exchanged general information concerning migration patterns. The Chinese have sought suggestions on strengthening their border control and air entry procedures. Indications are that the Chinese are seriously interested in controlling immigration-related crime on the mainland and will support such activity in Hong Kong. We believe that the Chinese will also continue to welcome our physical presence in Hong Kong and the mainland. Thus at the present time, we do not expect any major change in the functions of our Hong Kong office.

When INS opens new offices in mainland China later this year, there may be jurisdictional changes which will affect both the adjudications and enforcement workload of the Hong Kong suboffice. Because of the continued growth of the Hong Kong economy, as well as that of adjacent areas along the South China Coast, INS does not expect any decrease in that workload, however.

The United States and Hong Kong have signed an extradition agreement, which has been submitted to the Senate for advice and consent to ratification. That document for the first time includes alien smuggling as a crime for which extradition may be authorized. This treaty will be very helpful to our enforcement efforts.

Global Reach - Expansion to Mainland China

In Fiscal Year 1997, as a part of its Global Reach Initiative, INS will place 28 new positions overseas worldwide and re-deploy a number of existing officers to areas where migrant smuggling and immigration crime are concentrated.

INS has proposed and the United States Ambassador and the PRC government have approved suboffices in Beijing and in Guangzhou. The establishment of these two offices along with our presence in Hong Kong after reversion will for the first

time place INS in a position to actively deal with Chinese migrant smuggling at its source, working with our Chinese counterparts. INS officers will provide training to government officials and air carriers on the detection of fraudulent documents and support investigations of alien smugglers. They will also assist United States citizens residing within the United States consular jurisdictions on certain immigration matters.

The role of the INS Hong Kong suboffice is not expected to diminish as a result of these new placements because the airports in Hong Kong and Macao will continue to be major departure points for unlawful migrants. Intelligence sources confirm that a number of criminal syndicates engaged in PRC migrant smuggling remain in Hong Kong where they have and, we anticipate, will continue to enjoy more direct access to targeted migrant receiving countries including the United States, Canada, and certain European countries

Smuggling from the PRC.

The PRC as a whole continues to be a major source country of unlawful migrants seeking to travel to the United States. Migrants come primarily from the coastal regions of Guangxi, Guangdong, Fujian, and Zhejiang. Many Chinese migrants, with the aid of criminal organizations and using authentic and/or fraudulent documents make their way to major air transport centers in Asia. Others are transported aboard ocean vessels destined to North America, the Caribbean, or Central America, where they are then handed over to other members of the smuggling operation who move them through transit countries to the United States. The Clinton Administration had sought for use in exceptional circumstances the expedited removal

authority included in the Illegal Immigration Reform and Individual Responsibility Act of 1996, so that we could more effectively address the irregular arrivals of substantial numbers of aliens traveling with no or fraudulent documents.

INS has made progress in addressing the problem over the years and is playing an important role in developing coordinated strategies and operations with many transit and receiving countries. Chinese migrant smuggling is a recurring theme in international meetings with our European, Central American and Mexican colleagues.

The continued presence of INS in Hong Kong and expansion to Beijing and Guangzhou in 1997 with an enhanced enforcement mission will enable the United States to work with the PRC as well as international carriers, other U.S. government law enforcement agencies, and officials of other governments posted in China to stop the traffic in human cargo and to support the other U.S. law enforcement objectives in the region. Hong Kong will continue to play an extremely important role in this mission.

This concludes my formal testimony. I will be pleased to respond to any questions you may have.